

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**December 18, 2007**

**3:30 P.M. SCHEDULED SESSION**

**3:39 P.M. MEETING COMMENCED**

**ROLL CALL:** Dedrick Brittenum, Joe Brown, Carol Chumney, Madeleine Cooper Taylor, Edmund Ford, Henry Hooper, E. C. Jones, Myron Lowery, Scott McCormick, Jack Sammons, Barbara Swearengen-Ware, Brent Taylor and Chairman Tom Marshall

**THE MEETING WAS CALLED TO ORDER  
BY THE HONORARY SERGEANT-AT-ARMS  
JACK SAMMONS, JR. & ELIZABETH SAMMONS**

**INVOCATION**

The meeting was opened with prayer by Dr. Sharon Webb from Life Changing Word Ministry. Councilman Brown presented Dr. Webb with a certificate naming her Chaplain of the day.

**The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.**

15. **ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH A STANDARD FOR USE OF BIODIESEL FUELS, UP FOR T H I R D AND F I N A L READING. (Pulled from 11/06/07 Minutes) (Held from 12/4)**  
Ordinance No. 5224

**WITHDRAWN**

30. **RESOLUTION APPROVING A SUBDIVISION APPEAL LOCATED ON THE NORTHSIDE OF GROVE PARK CIRCLE; BEGINNING 370 FEET WEST OF GROVE PARK, CONTAINING 1.01 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT. (Held from 1/17; 3/21; 4/11; 10/3; 1/16/07; 06/19)**  
Case No. S 05-032

Held to June 17, 2008

31. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF BUTLER AVENUE AND TENNESSEE STREET, CONTAINING 1.654 ACRES IN THE SOUTH MAIN (SM) DISTRICT. (Held from 9/18).**  
Case No. PD 07-319

Applicant: Butler Park Station, LLC  
Tetra Tech – Representative

Request: A mixed use planned development to create 30 townhouse units and approximately 19,790 square feet of office/retail space in two phases of development

LUCB and OPD recommendation: APPROVAL, with conditions

**WITHDRAWN**

39.   **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTH SIDE OF RALEIGH-LAGRANGE ROAD; ± 461 FEET WEST OF WISEMAN, CONTAINING 23.12 ACRES IN THE SINGLE FAMILY DWELLINGS ~ AGRICULTURAL (AG) DISTRICT.**

Case No. S 07-018cc

Applicant:     Langsdon Development, LLC  
                  ETI Corporation – Representative

Request:        11 Lot Preliminary Plat

LUCB and OPD recommendation:   APPROVAL, with conditions

**WITHDRAWN**

41.   **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ±42 FEET NORTH OF SOUTHERN AVENUE, CONTAINING 1,219 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. SAC 07-614

Applicant:     Midland Goodwyn Neighborhood Association  
                  Buckner Wellford - Representative

Request:        Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation:   REJECTION

**WITHDRAWN**

**CONSENT AGENDA – Items 1 – 5, 55-59, 62 & 69 may be acted upon by one motion: SEE PAGE 2374 FOR ROLL CALL**

1.    **ORDINANCE AMENDING CHAPTER 36, ARTICLE I, SECTION 36-11 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH A SENIOR PROPERTY TAX FREEZE, UP FOR S E C O N D READING.**

Ordinance No. 5251

**APPROVED**, on Second reading

2.    **ORDINANCE AMENDING CHAPTER 21, ARTICLE VI, SECTION 237 OF THE CODE OF ORDINANCES TO PROHIBIT MINORS SOLICITING FROM RIGHT OF WAYS, UP FOR S E C O N D READING.**

Ordinance No. 5248

**APPROVED**, on Second reading

3.    **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A.     Case No. PD 07-324

Public Hearing Set for January 8, 2008

4.    **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON PARK AVENUE, BETWEEN GETWELL ROAD AND ECHLES STREET, AS “SAM BOMARITO BOULEVARD.”**

**APPROVED**

5.     **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON WESLEY DRIVE BETWEEN ELVIS PRESLEY BLVD. AND FARONIA ROAD, FOR DR. HAROLD LEON TAYLOR.**

**APPROVED**

56.    **RESOLUTION COMMEMORATING THE LIFE OF DR. EDWARD H. MATTINGLY.**

**APPROVED**

57.    **RESOLUTION APPROVING FINAL PLAT OF BRANTFORD ROAD SUBDIVISION.**  
Case No. S 07-007

Resolution approves the final plat located at the southwest corner of Brantford Road and Yates Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

58.    **RESOLUTION APPROVING FINAL PLAT OF HOLMES/TCHULAHOMA PLANNED DEVELOPMENT, PHASE 5.**  
Case No. PD 98-301

Resolution approves the final plat located at the southeast corner of Tchulahoma and Holmes Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

59.    **RESOLUTION APPROVING FINAL PLAT OF MEMPHIS VOLUNTEERS OF AMERICA ELDERLY HOUSING.**  
Case No. SUP 06-210

Resolution approves the final plat located at the corner of Austin Peay Highway and Lake Hurst Drive. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

62.    **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREETS ON DECEMBER 28, 2007 FROM 2:30 P.M. UNTIL 6:00 P.M., FOR THE AUTO ZONE LIBERTY BOWL PARADE.**

**APPROVED**

69.    **RESOLUTION APPROVING FINAL PLAT OF RUBY OAKS SUBDIVISION.**  
Case No. S 07-041

Resolution approves the final plat located on the southeast corner of Hernando Road and Alcy Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

**ROLL CALL CONSENT ITEMS**

MOTION:     Jones  
SECOND:     Sammons

AYES:           Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,  
                  McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

**MLGW CONSENT AGENDA – Items 6–12 may be acted upon by one motion**

6.       **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10681, PEAK PERIOD CALL MANAGEMENT SYSTEM, WITH TWENTY FIRST CENTURY COMMUNICATIONS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$504,000.00. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, FEBRUARY 1, 2008 TO JANUARY 31, 2010.)**

**APPROVED**

7.       **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10976, LINE CLEARANCE, WITH BEAN AND PRINCE CONTRACTORS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$1,564,170.06. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, DECEMBER 24, 2007 THROUGH DECEMBER 23, 2008.)**

**APPROVED**

8.       **RESOLUTION AWARDING 60-MONTH CONTRACT FOR RENTAL OF SHIPPING AND RECEIVING SOLUTION TO PITNEY BOWES, INC. IN THE AMOUNT OF \$103,620.00.**

**APPROVED**

9.       **RESOLUTION AMENDING PURCHASE ORDER NO. 124877 WITH VERTEX CHEMICAL CORPORATION FOR FURNISHING SODIUM HYPOCHLORITE IN THE AMOUNT OF \$158,316.13. (ON MARCH 17, 2005, THE MLGW BOARD AWARDED 36-MONTH CONTRACT TO VERTEX CHEMICAL CORPORATION IN THE AMOUNT OF \$855,195.00. THIS AMENDMENT INCREASES THE CONTRACT IN THE AMOUNT OF \$158,316.13, FOR A TOTAL AMOUNT OF \$1,013,511.13.)**

**APPROVED**

10.      **RESOLUTION AWARDING 24-MONTH CONTRACT FOR ELECTRIC METERS, AS FOLLOWS:**

WESCO Distribution, Inc.....	\$880,789.40
Landis & Gyr.....	128,040.00
Total.....	\$1,008,829.40

**APPROVED**

11.      **RESOLUTION APPROVING PAYMENT TO THE MEMPHIS REGIONAL CHAMBER IN THE AMOUNT OF \$175,000.00, TO SUPPORT THE CHAMBER AND THE PUBLIC AND PRIVATE PARTNERSHIP TO HELP MEMPHIS BECOME A WORLD-CLASS COMMUNITY, PREMIER CITY, GLOBAL PLAYER AND ATTRACT MORE BUSINESSES AND JOBS.**

**APPROVED**

12.      **RESOLUTION APPROVING THE TERMINATION OF W. P. STEWART & COMPANY, INC., AND THE SELECTION OF LEGG MASONCAPITAL MANAGEMENT AND THORNBURG INVESTMENT MANAGEMENT FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Chumney  
SECOND: Sammons  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

**13. RESOLUTION HONORING THE RECIPIENT OF THE CITY COUNCIL’S 2007 HUMANITARIAN AWARD.**

MOTION: Sammons  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

**60. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR DR. WESLEY C. HOLMES, ON DOUGLASS AVENUE, WITH SIGNS LOCATED AT THE CORNER OF DOUGLASS AVENUE AND PENDLETON STREET, DOUGLASS AVENUE AND GRAND STREET AND DOUGLASS AVENUE AND AIRWAYS BLVD.**

MOTION: Brown  
SECOND: Ford

**APPROVED**, by unanimous voice vote

**52. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON N. AVALON STREET AT POPLAR AVE. IN HONOR OF FRANCES UTTERBACK CRAIN.**

MOTION: Lowery  
SECOND: Jones

**APPROVED**, by unanimous voice vote

**54. RESOLUTION RECOGNIZING SERGEANT CHRIS JONES OF THE SHELBY COUNTY METRO D.U.I. SQUAD.**

MOTION: Jones  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

**53. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON HESTER ROAD, BETWEEN DAVIS COVE AND ELVIS PRESLEY BLVD., FOR WILLIAM H. WARD.**

MOTION: Hooper  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

**43. RESOLUTION THANKING DEDRICK BRITTENUM FOR HIS SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Marshall  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

44. **RESOLUTION THANKING CAROL CHUMNEY FOR HER SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Marshall  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

45. **RESOLUTION THANKING MADELEINE COOPER TAYLOR FOR HER SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Marshall  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

46. **RESOLUTION THANKING EDMUND H. FORD FOR HIS SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Marshall  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

47. **RESOLUTION THANKING HENRY HOOPER FOR HIS SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Marshall  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

48. **RESOLUTION THANKING E.C. JONES FOR HIS SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Marshall  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

49. **RESOLUTION THANKING TOM MARSHALL FOR HIS SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Taylor  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

50. **RESOLUTION THANKING JACK SAMMONS FOR HIS SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Marshall  
SECOND: Taylor

**APPROVED**, by unanimous voice vote

51. **RESOLUTION THANKING BRENT TAYLOR FOR HIS SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Marshall  
SECOND: Sammons

**APPROVED**, by unanimous voice vote

## 14. APPOINTMENTS

**Memphis City Beautiful Commission**

## Appointment

Jennifer Littlejohn

# Memphis and Shelby County Film Commission

## Appointments

Tonya D. Butler

## Gale Carson

Ike Griffith

## Reappointment

Ken Nelson

**Memphis and Shelby County Center City Commission**

## Appointment

Stuart C. McGehee

MOTION: Taylor

SECOND: Sammons

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Lowery,  
McCormick, Sammons, Ware, Taylor and Chairman Marshall  
Jones did not cast vote

**APPROVED**

16. **ORDINANCE TO ESTABLISH MEETING DATES FOR CITY COUNCIL MEETINGS IN 2008, UP FOR T H I R D AND F I N A L READING.** (Held from 12/04)

Ordinance No. 5243

MOTION: McCormick

SECOND: Lowery

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Lowery,  
McCormick, Sammons, Ware, Taylor and Chairman Marshall  
Jones did not cast a vote

**APPROVED**

17. **ORDINANCE TO AMEND CHAPTER 2, ARTICLE VI OF THE CODE OF ORDINANCES, SO AS TO ESTABLISH THE CITY OF MEMPHIS INTERNATIONAL COUNCIL, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5245

MOTION: Brittenum – The Executive Director shall be the Manager of the Office of Multi-Cultural Affairs with the Administration

SECOND: Sammons

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Lowery,  
McCormick, Sammons, Ware, Taylor and Chairman Marshall  
Jones did not cast a vote

**APPROVED**, as amended

18. **ORDINANCE AMENDING CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES SO AS TO ESTABLISH THE CITY OF MEMPHIS YOUTH CITY COUNCIL, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5249

MOTION: Brittenum  
SECOND: Taylor  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Lowery,  
McCormick, Sammons, Ware, Taylor and Chairman Marshall  
Jones did not cast a vote

**APPROVED**

19. **RESOLUTION APPROVING CIP PROJECT NUMBER FS02010, AS PART OF THE FY2008 CAPITAL IMPROVEMENT PROGRAM AND REQUESTING THE CONTINUATION OF THE PLANS AND SPECIFICATIONS AND TAKING BIDS AT AN ESTIMATED COST OF \$2,800,000.00, FUNDED BY G.O. BONDS GENERAL, FOR FIRE STATION 22.**

MOTION: Brittenum  
SECOND: Sammons  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,  
McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

20. **RESOLUTION APPROVING CIP PROJECT NUMBER FS02014, AS PART OF THE FY2008 CAPITAL IMPROVEMENT PROGRAM AND REQUESTING THE CONTINUATION OF PLANS AND SPECIFICATIONS AND TAKING BIDS AT AN ESTIMATED COST OF \$2,800,000.00 FUNDED BY G.O. BONDS GENERAL, FOR FIRE STATION 57.**

MOTION: Sammons  
SECOND: Jones  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,  
McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

21. **RESOLUTION APPROVING THE COMPLETION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS FOR THE ANIMAL SHELTER REPLACEMENT, CIP PROJECT NUMBER PS01010, AS PART OF THE FY 08 CAPITAL IMPROVEMENT PROGRAM AT AN ESTIMATED CONSTRUCTION COST OF \$11,100,000.00 FUNDED BY G.O. BONDS GENERAL.**

MOTION: Brown  
SECOND: Jones  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,  
McCormick, Sammons, Ware and Chairman Marshall  
Taylor did not cast a vote

**APPROVED**

22. **RESOLUTION APPROPRIATING \$34,367.00 FUNDED BY GO BONDS – GENERAL TO BE DEPOSITED IN THE LOCAL GOVERNMENT INVESTMENT POOL ACCOUNT FOR STREET LIGHTING, PROJECT NUMBER PW01093.**

Director of Public Works and City Engineer recommend approval

MOTION: Sammons  
SECOND: McCormick  
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick,



Sammons, Ware and Chairman Marshall  
Brown and Taylor did not cast a vote

**APPROVED**

23. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$600,000.00 FUNDED BY G.O. BONDS-GENERAL FROM STREET LIGHTING, PROJECT NUMBER PW01093 TO X-WAY LIGHTING REPLACEMENT 08, PROJECT NUMBER PW01189, TO REIMBURSE MEMPHIS, LIGHT, GAS AND WATER FOR COST INCURRED IN CONNECTION WITH SERVICING, REPLACING, AND REMOVING EXPRESSWAY STREET LIGHT POLES.**

MOTION: Sammons  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

24. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$2,290,637.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO SEWER LINE REPLACEMENT FY2008, PROJECT NUMBER SW02074, FOR A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES, INC. DBA SCOTT CONTRACTORS, INC.**

MOTION: Sammons  
SECOND: Jones  
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall  
NAYS: Brown

**APPROVED**

55. **RESOLUTION APPROPRIATING CONSTRUCTION FUNDS FOR BEALE STREET LANDING PHASE II.**

The Chairman recognized the following persons from the audience:

Dianne Dixon, 160 N. Evergreen St., Mphs, TN 38104  
Greg Duckett, 350 N. Humphrey Blvd., Mphs, TN 38120  
James C. Hunt, 3381 Moss Rose Dr., Mphs, TN 38115  
Elizabeth Langston, 35 Union Ave., Suite 402, Mphs, TN 38103  
Lee Miller, 564 King Oaks Cv., Collierville, TN 38017  
John Moore, 22 N. North Front St., Suite 200, Mphs, TN 38103  
Tom Volinchak, 1246 Island Place East, Mphs, TN 38103  
Sue A. Williams, 1694 N. Parkway, Mphs, TN 38112

MOTION: McCormick  
SECOND: Lowery  
AYES: Brittenum, Brown, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall  
NAYS: Chumney

**APPROVED**

61. **RESOLUTION CONGRATULATING MR. AND MRS. ALLAN WADE ON THE BIRTH OF THEIR DAUGHTER, ALANA WADE.**

MOTION: Sammons  
SECOND: Brittenum

**APPROVED**, by unanimous voice vote

63. **RESOLUTION SUPPORTING THE CREATION OF A FAIRGROUNDS TOURIST DEVELOPMENT ZONE.**

The Chairman recognized the following person from the audience:

Pat Scott, 858 Josephine St., Mphs, TN 38114

MOTION: Brittenum  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall  
 Cooper Taylor did not cast a vote

**APPROVED**, as amended

64. **JOINT RESOLUTION OF THE MEMPHIS CITY COUNCIL AND BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY TO ISSUE TAX INCREMENT BONDS OF THE AGENCY NOT TO EXCEED \$12,500,000.00 AND AMEND THE UNDC/HIGHLAND ROW COMMUNITY REDEVELOPMENT PLAN.**

The Chairman recognized the following person from the audience:

Steve Barlow, 480 S. Highland, Mphs, TN 38111

MOTION: Brittenum  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

65. **RESOLUTION APPROPRIATING AN ADDITIONAL \$10,000.00 TO COMPLETE THE AUDIT REQUESTED BY `THE MEMPHIS CITY COUNCIL OF THE SALE OF MEMPHIS NETWORKX.**

MOTION: Chumney  
 SECOND: Brown  
 AYES: Brown, Chumney, Cooper Taylor, Hooper, Jones, Lowery, Ware, Taylor and Chairman Marshall  
 NAYS: McCormick  
 Brittenum, Ford and Sammons did not cast a vote

**APPROVED**

66. **RESOLUTION FILING A PETITION FOR THE MEMPHIS CITY COUNCIL TO INTERVENE IN THE INVESTIGATION OF MEMPHIS NETWORKX CURRENTLY BEFORE THE TN REGULATORY AUTHORITY.**

MOTION: Chumney  
 SECOND: Cooper Taylor  
 AYES: Brown, Chumney, Cooper Taylor, Hooper, Jones, Lowery, McCormick, Ware, Taylor and Chairman Marshall  
 Brittenum, Ford and Sammons did not cast a vote

**APPROVED**

67. **RESOLUTION URGING THE 2008 MEMPHIS CITY COUNCIL TO CONTINUE THE EFFORT TO GET A STREET LIGHT INSTALLED AT THE INTERSECTION OF THIRD STREET AND HOLMES ROAD.**

MOTION: Sammons  
SECOND: Chumney  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

68. **RESOLUTION URGING THE TN REGULATORY ATTORNEY GENERAL AND COMMISSIONER OF COMMERCE AND INSURANCE TO INVESTIGATE MEMPHIS NETWORKX.**

MOTION: Chumney – at the end we need to add – to conduct their own independent Investigation of Memphis Networkx  
SECOND: Brown  
AYES: Brown, Chumney, Cooper Taylor, Hooper, Jones, Lowery, McCormick, Ware, and Taylor  
Brittenum, Ford, Marshall and Sammons did not cast a vote

**APPROVED**

42. **RESOLUTION APPROVING A STREET NAME CHANGE LOCATED BETWEEN MONROE AVENUE AND UNION AVENUE, CONTAINING 6,260 SQUARE FEET IN THE CENTRAL BUSINESS (CBD) DISTRICT.**

Case No. SNC 07-803

Applicant: Nick Vergos  
  
Request: Street name change request from Maggie H. Isabel Street to Charlie Vergos’ Rendezvous Alley

LUCB and OPD recommendation: APPROVAL, with conditions

Friendly Amendment: Language should read from Lycem Street rather than Maggie Isabel

MOTION: Ware

Councilman Lowery accepted this as a Friendly Amendment

MOTION: Sammons – Suspend the Rules for purpose of approving the resolution  
SECOND: McCormick

Chairman Marshall stated the rules have been suspended for the purpose of deleting the provision that actual street name changes be given pros?

**APPROVED**, by unanimous voice vote, rules suspended

MAIN MOTION: Sammons  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall  
Ford did not cast a vote

**APPROVED**

25. **ORDINANCE APPROVING A STREET NAME CHANGE BEGINNING AT THE SOUTH SIDE OF GOODLETT FARMS PARKWAY, EXTENDING EASTWARDLY TO THE TERMINUS OF THE REQUEST STREET NAME LOCATION, CONTAINING 1,431 FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5246  
Case No. SNC 07-802cc

Applicant: Harrah’s Operating Company – Memphis  
The Reaves Firm – Representative

Request: Street name change request from Seven Star Way to Cherry Farms Road

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery  
SECOND: Sammons  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall  
Ford did not cast a vote

**APPROVED**

26. **RESOLUTION APPROVING A MORATORIUM ON ISSUANCE OF BUILDING PERMITS AND ON ACCEPTANCE OF ANY TYPE OF ZONING OR SUBDIVISION APPLICATIONS UNTIL APRIL 30, 2008 OR UNTIL AN UPDATED PLAN IS ADOPTED FOR UPTOWN MEMPHIS.** (Held from 12/4)

The Chairman recognized the following person from the audience:

Lloyd Barnett and Bonny Barnett, 493 N. Front St., Suite 104, Mphs, TN 38105

Friendly Amendment: Add the beginning date of January 1, 2008 to the moratorium

MOTION: Brittenum

Councilman Lowery accepted this as a Friendly Amendment

MAIN MOTION: Lowery  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**, as amended

27. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHWEST CORNER OF HERNANDO ROAD AND ELVIS PRESLEY BOULEVARD CONTAINING 7.87 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. SUP 05-203

Applicant: Southern Real Estate Holdings, LLC and Lynley Churchwell

Request: Rescind existing special use permit approval to operate a used heavy equipment sales and storage business at 3403 Elvis Presley Boulevard

LUCB and OPD recommendation: APPROVAL, with conditions

**No Public Hearing Required; No Opposition at LUCB**

MOTION: Lowery  
SECOND: McCormick  
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall  
Brown did not cast a vote

**APPROVED**

28.     **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHWEST CORNER OF TRINITY ROAD AND NORTH GERMANTOWN PARKWAY, CONTAINING 0.86 ACRE (37,462 SQ. FT.) IN THE LIGHT INDUSTRIAL (I-L) DISTRICT.**

Case No. SUP 07-222

Applicants:     Cajun’s Crawdad’s Inc.  
                      Brett Schubert-Apperson, Crump & Maxwell, PLC- Representative

Request:         Special use permit to allow outdoor vending in a kiosk facility

LUCB and OPD recommendation:     APPROVAL, with conditions

**No Public Hearing Required; No Opposition at LUCB**

MOTION:        Lowery  
SECOND:         McCormick  
AYES:            Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,  
                      McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**, as amended

29.     **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE EAST SIDE OF SOUTH PERKINS ROAD; +/-139.42 FEET SOUTH OF COTTONWOOD ROAD, CONTAINING 0.24 ACRE (10,454 SQ. FT.) IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. UV 07-12  
(Formerly Z 07-115)

Applicants:     Hermon C. & Bonnie J. Jones  
                      James Kincaide – Representative

Request:         Use variation to allow a single office in a residential structure

LUCB recommendation:     APPROVAL, with conditions

OPD recommendation:     REJECTION

**No Public Hearing Required; No Opposition at LUCB**

MOTION:        Lowery  
SECOND:         McCormick  
AYES:            Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,  
                      McCormick, Ware, Taylor and Chairman Marshall  
                      Sammons did not cast a vote

**APPROVED**, as amended

32.     **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF NORTH GERMANTOWN PARKWAY; +/-314.40 FEET SOUTH OF TIMBER CREEK DRIVE, CONTAINING 4.0 ACRES IN THE GENERAL OFFICE (O-G) DISTRICT.(Held from 12/4)**

Case No. PD 07-336

The Chairman recognized the following person from the audience:

Tom Farmer, 235 German Creek Cove, Cordova, TN 38018

Applicant:       B & H Hospitality, LLC  
                      Ronald Harkavy (Harkavy-Shainberg) – Representative

Request: Planned development to allow a three (3) story hotel building and a restaurant building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**, as amended

33. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 64; +2,292 FEET WEST OF COLLIERVILLE-ARLINGTON ROAD, CONTAINING 2.59 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 07-328

Applicant: Billy May

McCaskill & Associates, Tim McCaskill – Representative

Request: A mixed use planned development consisting of commercial/retail, office and residential uses

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall  
Cooper Taylor did not cast a vote

**APPROVED**

34. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF RALEIGH LAGRANGE ROAD AND SUMMER AVENUE, CONTAINING 3.26 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT.**

Case No. PD 07-333

Applicant: Double A Oil Company

Prime Development Group, Inc. Michael Fahy – Representative

Request: Planned development to allow commercial uses as regulated by the Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware, Taylor and Chairman Marshall  
Sammons did not cast a vote

**APPROVED**, as amended

35. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF NORTH GERMANTOWN PARKWAY; +/-744 FEET NORTH OF CLUB PARKWAY, CONTAINING 7.5 ACRES AND IS CURRENTLY GOVERNED BY AVANTI PLANNED DEVELOPMENT, AMENDED (P.D. 04-309).**

Case No. PD 07-335

Applicant: Geronimo, LLC  
SR Consulting, LLC – Representative

Request: Planned development amendment to create Parcel ‘D’ to allow  
Planned Commercial (C-P) District land uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,  
McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

36. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF POPLAR AVENUE; BETWEEN AYERS STREET AND DECATUR STREET, CONTAINING 38.26 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM) DISTRICT.**

Case No. PD 07-338

Applicant: Memphis Housing Authority  
Tom Currell – Representative

Request: Mixed Use planned development consisting of residential &  
commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,  
McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

37. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF BONNIE LANE; +/-208 FEET EAST OF NORTH GERMANTOWN PARKWAY, CONTAINING 1.16 ACRES AND IS CURRENTLY GOVERNED BY AVANTI-NORTH PLANNED DEVELOPMENT, 7<sup>TH</sup> AMENDMENT (P.D. 06-302).**

Case No. PD 07-339

Applicant: John Mahoney  
McCaskill Consultants – Representative

Request: Planned development amendment to consolidate a part of Phase  
23: Area ‘A-3’ surplus property to be included in Phase 22: Area  
‘A-3’ to allow construction of an accessory storage building

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, McCormick,  
Sammons, Ware, Taylor and Chairman Marshall  
Hooper did not cast a vote

**APPROVED**

38.     **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF MANASSAS STREET AND GENE LOGAN DRIVE, CONTAINING 2.35 ACRES IN THE LIGHT INDUSTRIAL (I-L) DISTRICT.**  
Case No. SUP 07-214

Applicant:     Tower Ventures V, LLC  
                  Billy Orgel – Representative

Request:        Cellular Tower (160’ monopole, slick stick with flush mounted antennas)

LUCB and OPD recommendation:    APPROVAL, with conditions

MOTION:        Lowery

SECOND:        McCormick

AYES:           Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**, as amended

40.     **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHWEST CORNER OF MIDLAND AVENUE AND BOSTON STREET INTERSECTION, CONTAINING 5,000 SQ. FT. (0.114 ACRES) IN THE RESIDENTIAL DUPLEX (R-D) DISTRICT.**  
Case No. UV 07-10

Applicant:     Jacob’s Ladder Community Development Corporation

Request:        Use variation for an after-school enrichment program

LUCB and OPD recommendation:    APPROVAL, with conditions

MOTION:        Lowery

SECOND:        McCormick

AYES:           Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of December 4, 2007 with the following motions:

MOTION:        Ware – Item #2 – Change the word to, to say until

SECOND:        Brown

MOTION:        Taylor – Suspend the Rules for the purpose of substituting a new Ordinance which reflects the changes made in today’s committee. Ordinance #5232

SECOND:        McCormick

**APPROVED**, by unanimous voice vote, rules suspended

MOTION:        Taylor – Move to substitute Ordinance #5232 for the revised language which essentially says that the petition for a recall is to be signed by a number of qualified voters equal to ten per centum of the total number of votes cast in the last municipal general election, which excludes run-offs and also allows future council to go to the legislature and allow for us to hopefully confine the election to those who actually elected that person

SECOND:        Brown

**APPROVED**, by unanimous voice vote



MAIN MOTION: Ware  
SECOND: Brown  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

**APPROVED**, as amended

MOTION: Chumney - Suspend the Rules for the purpose of approving the Minutes for Items 65, 66 and 68 tonight  
SECOND: Brown

The Chairman stated that all those in favor signify by saying I, those oppose say No. The Chairman stated that it is the opinion of the Chair that the No's have it

Councilwoman Chumney called for a roll call vote

AYES: Brown, Chumney, Cooper Taylor and Hooper  
NAYS: Ford, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

Brittenum did not cast a vote

**FAILED**, set up as Special Item #1

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

**ADJOURNED MEETING AT 7:20 P.M.**

.....

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records